

**STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD**

**SANDOVAL COUNTY PROFESSIONAL
FIREFIGHTERS ASSOCIATION,**

Petitioner,

and

PELRB No. 325-22

SANDOVAL COUNTY,

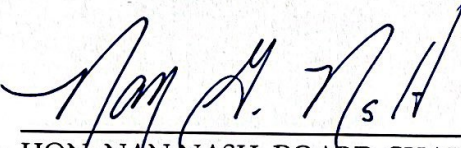
Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on January 3, 2023 for review of the Executive Director's Summary Dismissal of the Representation Petition filed by the Sandoval County Professional Firefighters Association. The Board having reviewed the Dismissal and the grounds therefore, there being no Request for review of the Dismissal filed by either party and being otherwise sufficiently informed, the Board voted 2-0 to affirm the Executive Director's Dismissal.

WHEREFORE, the Dismissal of the Petition is affirmed and staff are directed to close the file.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



HON. NAN NASH, BOARD CHAIR

4 January 2023

DATE



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

Nan Nash, Chair
Marianne Bowers, Vice-Chair
Mark Myers, Member

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THOMAS J. GRIEGO
Executive Director

November 29, 2022

Sandoval County Professional Fire Fighters
c/o Javier Galvan
PO Box 867
Bernalillo, New Mexico 87004

Holcomb Law Office
3301-R Coors Blvd. NW, #301
Albuquerque, New Mexico 87120
Attn: Dina Holcomb

Re: ***Sandoval County Professional Fire Fighters & Sandoval County; PELRB 325-22***

Dear parties:

This letter constitutes my decision following the Employer's Statement of Issues and the Responses to my request for briefing legal issues following our Status and Scheduling Conference on November 17, 2022.

This case concerns a Petition seeking to accrete Lieutenants employed by the Sandoval County Fire Department into an existing unit comprising Firefighters, Emergency Medical Technicians and Paramedics. Such Petitions proceed under NMAC 11.21.2.38. Pursuant to NMAC 11.21.2.38(C) if the number of employees in the group sought to be accreted is greater than 10% of the number of employees in the existing unit, the board shall presume that their inclusion raises a question concerning representation and the petition may proceed only by filing "a petition for an election".

The parties agree the Petition seeks to accrete three employees into a bargaining unit of 18 employees. Therefore, the Petition seeks to accrete a number of employees greater than 10% of the existing unit and the union may only proceed by filing a petition for representation in accordance with NMAC 11.21.2.8 and NMSA 1978 §10-7E-14. See also PELRB Form No. 3 (Revised 10-14-22), Petition For Initial Certification of a New Bargaining Unit. The parties negotiated a CBA, Article 101 – Recognition, in which they agreed that "Any additions to the bargaining unit will be handled in accordance with the accretion process". That provision is consistent with this construction of our rules.

Accordingly, the Petition for Accretion is dismissed with leave for the Petitioner to file a Petition for Representation as referenced herein. Such a petition, in accord with NMAC 11.21.2.38(C), must be accompanied by a showing of interest demonstrating that no less than thirty percent of the employees in the group sought to be accreted wish to be represented by the exclusive representative *as part of the existing unit*.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

A handwritten signature in black ink, appearing to read "Thomas J. Griego". The signature is fluid and cursive, with the first name "Thomas" being the most prominent part.

Thomas J. Griego
Executive Director